REMARKS

The Office Action, dated April 1, 2009, has been reviewed and the Examiner's comments carefully considered. Claims 1-43 were pending in this application. Claims 1-10, 12-14, 16-26, 28, 30-32, 34-37, and 39-40 have been amended. Claims 42-43 have been cancelled. New claims 44 and 45 have been added. New independent system claim 45 corresponds to independent method claim 39. All modifications and the new claim are in accordance with the originally-filed specification or underlying priority filings. Accordingly, no new subject matter has been introduced in the amended or new claims.

Therefore, claims 1-41 and 44-45 remain in this application, with claims 1, 39, 40 and new claim 45 written in independent form. Applicant submits that the following arguments and amended claims clearly demonstrate the novel and non-obvious differences between the present invention and the cited prior art.

Amended Claims Discussion

Applicant has carefully considered the references of the Examiner, as well as the telephone conference discussions of the Examiner. The Examiner indicated that the independent claims be amended to further clarify the role of the meeting planner client (administrator, exhibitor or sponsor) in terms of the relationship of the loading and processing steps of the program instructions at the central website server prior to any interaction of the role of the attendee client (site visitor, or user).

Therefore, in independent claim 1, new step b now further defines the initial processes at the central website server by the virtual convention venue website program instructions in terms of the differentiation of the navigational flow and use of content information. New process step b reads: b. processing at the central website server by virtual convention website program instructions using the at least one convention activity policy, display ad placement order, display ad keyword or any combination thereof to differentiate the navigational flow and use of the convention, display ad or any combination thereof content information among an array of convention, display ad or any combination thereof activity. And process step c begins with after performing the processing step b, prior to interaction of the role of the attendee client (site visitor, or user). Similarly, new step b of claim 40 also deals with the means-basis language.

Further, independent claim 39 now also further defines the initial processes at the central website server by the virtual convention venue website program instructions in terms of the building, designing, loading or controlling the ad display. New process step b reads: <u>b. processing at the central website server by the virtual convention venue website program instructions using the at least one convention activity policy, display ad placement order, display ad keyword or any combination thereof and the convention, display ad or any combination thereof content information to build, design, load, control or any combination thereof at least one Internet advertising ad display for the at least one convention, trade show, display ad network or any combination thereof.</u> We now find process step c beginning with <u>after performing the processing step b,</u> prior to interaction of the role of the attendee client (site visitor, or user). Similarly, new step b of new claim 45 also deals with the means-basis language.

References to these new process steps and other modifications may be found within Applicant's published application WIPO WO 00/39694 A1 (hereinafter "application", "specification" or "system") and U.S. Provisional Application Ser. No. 60/114,128, filed December 30, 1998, and U.S. Provisional Application Ser. No. 60/114,396 filed December 31, 1998. The Provisional Application dated December 31, 1998, incorporated by reference in the present specification (and as an Other Application Part) the "ConventionNet Virtual Convention Venue Document dated December 23, 1998 (33 pp)". Within these Remarks, Applicant particularly cites and references the 12 pages and 1 drawings of the December 31, 1998 Provisional Application herein designated as "Provisional Application", and its 33 pages of the "ConventionNet Virtual Convention Venue Document" by page number or drawing designated as "ConventionNet". Certainly, thorough support material for these new claims can also be found in Applicant's published application WIPO WO 00/39694 A1.

Specifically, in the modified claims we find the terms "one convention<u>, trade show, display ad network or any combination thereof</u> on the Internet". Applicant respectfully draws the Examiner's attention Definitions, C. on page 7 of Applicant's ConventionNet document of the specification with: "a convention, event, conference, <u>trade show</u> or meeting". The display ad network methodology is set forth in the ConventionNet document of the Provisional Application (*See* page 5, paragraph E. of Applicant's ConventionNet document) with "The make up of "panels" using common Internet <u>advertising</u> ad banner sizes is unique and innovative. This database definition and website design with access from

the Internet is unique and innovative" (emphasis added). The term "advertising" is specified other times in the Provisional Application (*See* Applicant's Provisional Application) at page 5, line 17; page 5, line 27; and page 6, line 18. Also, (*See* Applicant's ConventionNet document) at page 4, paragraph H. We particularly note the cyber exhibit booth (*See* page 5, paragraph E. of Applicant's ConventionNet document) is the "advertising ad" with this language: "The make up of "panels" using common Internet advertising ad banner sizes is unique and innovative" (emphasis added). On page 10 of the Provisional Application we also quote these claims: "1. A method for the use of computers for implementing a virtual convention or meeting venue, comprising: means for providing search capabilities; and means for providing cyber exhibit booth display capabilities." and "2. A system for the use of computers for implementing a virtual convention or meeting venue, comprising: search capabilities; and cyber exhibit booth display capabilities" (emphasis added).

The term "network" with respect to the processes of this invention is also supported. We first find the general Internet user topology within the ConventionNet document (*See* page 3, paragraph E. of Applicant's ConventionNet document) which specifies: "a computer Internet user, site visitor or web-browser who is attending a Cyber Convention/Meeting. The term "cyber" defines the overall viewing and ConventionNet® database access via the Internet to the ConventionNet® web site system made up of Internet servers, software and communications equipment." We also read in part at title page - page 5, paragraph D of Applicant's ConventionNet document, which further specifies: "The capability for the cyber attendee to search globally across the database is unique and innovative. These searches are fully described below and include: convention selection searches, association selection searches, conference searches, event searches, show searches, cyber exhibitor and booth searches, and, sessions and forums searches. This database definition, global search capability for the cyber attendee with access from the Internet is unique and innovative."

With respect to the use of the terms exhibitor, sponsor, site visitor, and user in the preamble and process steps of the independent claims, and dependent claims, we draw the Examiner's attention to the Provisional Application at page 7, line 18; page 7, line 27; page 9, line 8; as well as, the original Provisional Application Claim 6 on page 10, which claimed "The method of claim 1, additionally comprising means for providing cyber sponsor support." and the original Provisional Application Claim 12 on page 11, which claimed "The

system of claim 7, additionally comprising cyber <u>sponsor</u> support" (emphasis added). "Internet <u>user</u>" is set forth in the ConventionNet document (*See* page 3, paragraphs E, F and G of Applicant's ConventionNet document) in the definitions of the cyber attendee, cyber meeting planner, and cyber exhibitor and sponsor respectively (emphasis added). Also, we read in part "user" in terms of the "Internet" within the Provisional Application including the paragraph at page 2, lines 11-24. Further, the ConventionNet document (*See* page 3, paragraph E. of Applicant's ConventionNet document) specifies: "a computer Internet user, <u>site visitor</u> or web-browser" (emphasis added).

Next, with respect to the terms and claim-use in independent claims 1 and 40 (the subsequent/similar means-basis language) of <u>display ad placement order</u> and <u>display ad keyword</u>, and the subsequent <u>using the at least one convention activity policy, display ad placement order, display ad keyword or any combination thereof to differentiate the navigational flow and use of the convention, display ad or any combination thereof content information among an array of convention, display ad or any combination thereof activity</u> - please refer to "Figure 6A – Exhibitor & Sponsor Services" (*See* page 24 of Applicant's ConventionNet document) and the seventh and eighth paragraphs where we find the specification: "Exhibitor and Sponsor Opportunities: This special control area provides "<u>cross system</u>" opportunities and the <u>Place Exhibit Order</u> dive-down <u>process</u>" (emphasis added). Please refer to the first paragraph of "Figure 6A – Exhibitor & Sponsor Services" set forth (*See* top of page 24 of Applicant's ConventionNet document) which specifies: "...<u>Sponsor</u> Services area provides the capability and control for the cyber exhibitor or <u>cyber sponsor</u> to <u>set, input or load</u> cyber exhibit booths and <u>selection content</u>," (emphasis added). Query options including "<u>Key word(s) search</u>" in terms of the loaded selection content are specified in ConventionNet (*See* page 11 of Applicant's ConventionNet document) which specifies: "<u>Key word(s) search</u>" "Show me "ice hockey gloves". ConventionNet® finds only one - the Hockey Zone® cyber exhibit booth from the Ice Skating Institute of America Show in London and from the <u>key words</u> <u>used by the exhibitor</u>" (emphasis added). The precise form of "<u>keyword</u>" can be appropriately found in the Provisional Application (*See* Applicant's Provisional Application) at page 5, line 12 with "The booths can be searched for in the system database by exhibitor name, by subject, by <u>keyword</u>" (emphasis added).

Of note, the fundamental direct keyword searching and releasing of the selected content information from the central website server is independent of any convention

ties. This direct keyword searching and releasing of the selected content information from the central website server – independent of any convention ties - can be appropriately referenced (*See* page 11, first paragraph, of Applicant's ConventionNet document), which specifies: "At this Cyber Attendee entry level, the <u>search</u> results are important and unique, <u>ascending above</u> the normal convention and meetings exhibit venue, because the booths listed for display <u>are not "tied" to specific conventions</u>. I.e., the cyber user is able to "make up" their own exhibition of booths from the database based on the query options selected" (emphasis added). And, "<u>By key word(s) search example</u>" follows on this same referenced page. Also, independent of any convention processes, the direct to the "Exhibitor and <u>Sponsor</u> Support" and "<u>Sponsors</u> List and Functions", can both be plainly observed on the Drawing (*See* Fig. 1 of Applicant's Provisional Application), which depicts such direct flowchart processing for loading and searching respectively: "Host Site – <u>Exhibitor</u> and <u>Sponsor</u> Support"; and subsequently, "Host Site – <u>Search</u> Processes – Attendee Control – <u>Sponsors</u> List and Functions" (emphasis added).

Then, with respect to the terms and claim-use in independent claim 39 and new claim 45 (the subsequent/similar means-basis language) we read in process (or system) steps b: "<u>using the at least one convention activity policy, display ad placement order, display ad keyword or any combination thereof and the convention, display ad or any combination thereof content information to build, design, load, control or any combination thereof at least one Internet advertising ad display for the at least one convention, trade show, display ad network or any combination thereof;</u>". We respectfully reference Applicant's citations presented directly above, and appropriate support (*See* Applicant's ConventionNet document) at page 24, last paragraph with: "Place Exhibit Orders: This process includes a "<u>building process</u>" [preceding quotation marks are included within the original citation] of the cyber exhibit booth. Steps include Pick-a-booth, Pick-a-Show, <u>Pick-a-Content-Level</u>, and <u>Pricing</u> Calculator with payment processing" (emphasis added). We also note "Pick-a-Content-Level" at this citation which provides, in part, support for independent claim 39 and new independent claim 40 (emphasis added). Applicant respectfully draws the Examiner's attention to (*See* page 6, paragraph H. of Applicant's ConventionNet document) of the specification and the supporting language: "This database definition and website design with access from the Internet, which allows cyber <u>exhibitors</u> and <u>sponsors</u> to review a demo cyber

convention and meeting including cyber exhibitor booths, <u>plus design, load and control their specific exhibits and sponsor orders is unique and innovative</u>" (emphasis added).

Amended dependent claim 42 is directed towards tracking the query search option and measurements. We read in part the tracking methodology in the ConventionNet document of the Provisional Application (*See* page 6, paragraph F. of Applicant's ConventionNet document) with "The cyber attendee interest <u>tracking</u> (termed the "<u>interest profiler</u>") and periodic checking of the past "attendee interest profile" <u>against</u> new conventions, sessions, forums and <u>exhibit booth</u> "themes", "subjects" and "<u>key words</u>", and <u>generation of electronic mail</u> to the past attendee to now visit ConventionNet® - with appropriate matched approaches to link or direct the past attendee to the correct level or record in ConventionNet® - the convention, session, forum <u>or exhibit booth</u> - is unique and innovative" (emphasis added). Again, we note the cyber exhibit booth is the advertising ad (*See* page 5, paragraph E. of Applicant's ConventionNet document) is the "advertising ad" with "The make up of "panels" using common Internet <u>advertising ad</u> banner sizes is unique and innovative" (emphasis added). Also, the term "<u>interest profile record</u>" is specified in the Provisional Application (*See* Applicant's Provisional Application) at page 5, line 5 (emphasis added).

35 U.S.C. §103 Rejections

Claims 1-43 stand rejected under 35 U.S.C. § 103(a) for asserted obviousness over U.S. Patent No. 6,343,313 to Salesky et al. (hereinafter "the Salesky patent" or "the Salesky system") in view of U.S. Patent No. 6,332,135 to Conklin et al. (hereinafter "the Conklin patent" or "the Conklin system"). In view of the foregoing amendments to the claims, and the following remarks, Applicant requests reconsideration of these rejections.

Applicant has carefully reconsidered the references of the Examiner in light of the telephone conference discussions with the Examiner in July 2008. Per the suggestion of the Examiner, the independent claims have been amended to further clarify the role of the meeting planner client (administrator, exhibitor or sponsor) in terms of the relationship of the loading and processing steps of the program instructions at the central website server - prior to any interaction of the role of the attendee client (site visitor, or user) – thereby, further distinguishing Applicant's claims from the disclosure of the Salesky and the Conklin system.

On the whole, the claimed terms and processes of Applicant's system are significantly unlike the "computer conferencing system" terms and processes in the Salesky system, and unrelated to the "system and method for ordering sample quantities over a network" in the Conklin patent.

Respectfully, Applicant further argues that the "client machines of the "communicants" (operating elements) necessary for the CSS server processes of the Salesky system would not work with the "sponsored commerce community" of the Conklin system, which specifies that "Each sponsor or participant only needs a standard Internet browser such as those commonly available from Netscape Corporation or Microsoft Corporation" (col 17, lines 18-19, emphasis added) and that "no additional hardware or software needs to be installed at the sponsor's site or at those of any of the participants" (col 17, lines 42-44, emphasis added).

As documented on page 14 of Applicant's March 31, 2008 Amendment in reply to the USPTO Correspondence of October 31, 2007, the Salesky system in all cases first initiates a unique communicants machine for the conferee with a relay and data block transformation software component in processing with and by the CSS. Therefore, it would be impossible topology-wise to combine the references in the manner suggested. In other words, the specialized computer of the Salesky patent – a required, software-unique and rigid network connection for operation with the CSS - would not work in the context of the Conklin system, or vice versa, without a major change in principle of operation. In particular, the remote authoring processes referenced by the Examiner in the Conklin system specifies that no additional software be installed at the computers of the participants; where, the Salesky system has installed additional and unique software at the computers of the participants for operations with its CSS. As specified in their respective patents, the required topology of the Salesky system would be inoperative in the topology of the Conklin system. The suggested combination by the Examiner of these references would require a substantial reconstruction and redesign of the elements shown in Salesky, as well as a change in the basic principle under which the Salesky construction was designed to operate. This is contrary to accepted patenting examination procedure in which the teachings of the references are insufficient to render the claims *prima facie* obvious if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified (*See* MPEP § 2143.01; *In re Ratti,* 270 F.2d at 813, 123 USPQ at 352).

Because there is no reason to modify or combine references in such a way, and there would be no success in doing so, there is a clear deficiency in maintaining a *prima facie* case of obviousness. Additionally, when interpreting the patentability of a claim, the law requires that a reference be considered for all of its teachings, including disclosure that diverges and teaches away from the invention at hand as well as disclosures that point toward and teach the invention. *In re Dow Chem. Co.*, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988).

With these above principal arguments made known, Applicant now turns to the Examiner's detail of paragraph 8 of the present Office Action, where the Examiner first cites several references from the Salesky patent that allegedly suggest the features of the independent claims of the application. All of the Salesky patent citations have been documented, addressed and argued in previously-filed responses in this application, which are incorporated herein by reference in their entirety.

Applicant takes specific note of the Examiner's presently modified reference (col 2, lines 9-28) within the outstanding Office Action. Applicant has previously responded to this specification area of the Salesky patent and many references within col 2 and in significant technical detail. At least a portion of these responses can also be found on pages 17-18 of Applicant's March 31, 2008 Amendment in reply to the USPTO Correspondence of October 31, 2007. The discussions and responses within the December 12, 2007 Amendment continue to be applicable in terms of this present reference where Applicant carefully observed and documented that both Meeting manager 32 and Server manager 36 (servMgr, 14, fig 11) of the Salesky patent are processes pertaining to the Communications session server (CSS) and the requirements that the Salesky system each time initiates a unique communicants machine for the conferee with a relay and data block transformation software component in processing with and by the CSS.

Within paragraph 8 (on page 5) of the present Office Action, the Examiner quotes, in part, the Salesky patent: "The key that a conferee gives at the time of attempting to connect to the conference server determines whether that conferee will be allowed access to the conference and what the conferee's initial privileges will be for participating in the conference and for modifying the setup of the conference." (emphasis added). Hence, to connect to the conference server, the conferee needs a key. Respectfully, this is not

comparable with the amended claims of Applicant – there is no such processing in the Applicant's system where the meeting planner client (administrator, exhibitor or sponsor) or the attendee client (site visitor, or user) "gives at the time of attempting to connect to the conference server" such a "key." Within Applicant's claimed invention, the meeting planner pre-loads the convention activity policies out on the server. Then, when the attendee client (site visitor, or user) arrives at the website, he/she has no key with them. Therefore, the claimed processes of Applicant patentably distinguishes them from the key-to-connect processes in the Salesky system.

At this time, the Examiner references the Conklin patent at (fig 4a-4b, col 11, line 60 – col 12, line 13; col 14, lines 2-20) as possibly teaching, when viewed with the referenced motivation by Salesky suggested at (14, fig 11, col 24, line 66 – col 25 line 10), developing a state machine using object oriented programming techniques. Applicant argues that there are no transition condition attributes – such are necessary for any state machine (or finite state machine) - discussed or taught in any "stored meeting contents, any other document or data object" at this reference that are required fundamentals for object-oriented programming ("OOP") self-sufficient modules or cooperating objects. The Salesky citation presented here has been previously documented, addressed and argued in this application, which are incorporated by reference into this Amendment. Applicant also calls to the Examiner's attention, in part, to Applicant's prior argument and support with respect to encoding and use of functional descriptive material in the claimed invention as documented on pages 6-10 of Applicant's June 30, 2005 Amendment in reply to the USPTO Correspondence of May 2, 2005. Applicant further argues that the functional descriptive material in the claimed invention is not comparable to the specifications of the Salesky or Conklin systems – either alone or in combination.

To further distinguish Applicant's invention from the communication processes pertaining to the meeting manager 32 process and the server manager 36 process within the CSS of the Salesky patent, Applicant's amended process further clarifies the role of the meeting planner client (administrator, exhibitor or sponsor) in terms of the relationship of the loading and processing steps of the program instructions at the central website server prior to any interaction of the role of the attendee client (site visitor, or user). In independent claim 1, new step b now further defines the initial processes at the central website server by the virtual convention venue website program instructions in terms of the differentiation of

the navigational flow and use of content information. Independent claim 39 (along with corresponding new system claim 45), now also further defines the initial processes at the central website server by the virtual convention venue website program instructions in terms of building, designing, loading or controlling an ad display. There are no such processes pertaining to the CSS anywhere within the Salesky or Conklin systems.

The Conklin reference fails to teach or suggest the prior claim limitations as well as the new claim limitations. First, Figure 4a "is a flow diagram of remote Web authoring of the present invention", and Figure 4b "is a flow diagram of the customization of the remote Web authoring of the present invention" (col 16, lines 3-6). In detailed review of Figure 4a and Figure 4b Applicant notes that the "Remote Web Authoring" steps are only for the "Seller" participant (emphasis added). As shown in Figure 1g, it is also disclosed that that Remote Authoring is a process of the Seller; three participants – Seller, Sponsor and Buyer – and the "Remote Authoring" (emphasis is on Figure 1g) is solitarily within the "Seller Processes". The role of the "Seller" participant of the Conklin patent in terms of the relationship of web authoring information concerning its products and services is not comparable to the role of the "meeting planner client" (administrator, exhibitor or sponsor) of the present Application in terms of the business job relationship or the tasks of the loading at least one convention activity policy, display ad placement order, or display ad keyword and the content information, and using the at least one convention activity policy, display ad placement order, display ad keyword or any combination thereof to differentiate the navigational flow – or processes at the central website server by the virtual convention venue website program instructions in terms of building, designing, loading or controlling an ad display – prior to any interaction of the role of an attendee client (site visitor, or user)..

Next, the Examiner references col 11, line 60 through col 12, line 13 of the Conklin patent, where a background reference to a "beyond the mall concept" order-brokerage and payment-approval system is disclosed. The background paragraph specifically "entails a customized, specially programmed matching of participating companies' computer systems to coordinate authorization and payment approval so orders flow between firms" (emphasis added), and that such "technology can cost millions and it can take as much as two years to program the computers and set up the necessary processing and equipment at all the participating company sites". This referenced order-processing example is corresponding to preceding introduction of the invention found at col 1 lines 4-8 of the Conklin specification

where it is stated: "Background of the Invention. 1. Technical Field. This prior art relates generally to systems for conducting negotiations and more particularly to systems for <u>ordering</u> sample quantities over a network." (emphasis added). This referenced paragraph does not address any Internet-based technical problems which were overcome by Applicant's computer-implemented invention - where central website user-interactive solutions of conducting, augmenting or any combination thereof at least one convention, trade show, display ad network or any combination thereof on the Internet constitute the invention's technical character and contribution to the art. Hence, the referenced col 11, line 60 through col 12, line 13 of the Conklin patent teaches very different technical and subject fields than that of Applicant's claimed invention and that of the Salesky patent.

Next, the Examiner references col 14, lines 2-20 of the Conklin patent. As noted above, again there is a citation to technology for "<u>ordering</u> sample quantities" (col 14, line 3) (emphasis added) which specifies different technical and subject fields than that of Applicant's claimed invention and that of the Salesky patent. Further, it is stated: "allows a <u>seller</u>/participant to use remote authoring templates to create a complete Website for immediate integration and activation in the community". Applicant again notes that the role of the "<u>Seller</u>" (emphasis added) participant of the Conklin patent in terms of the relationship of remote web authoring information concerning its products and services is not comparable to the role of the "meeting planner client" (administrator, exhibitor or sponsor) of the present Application in terms of the relationship of the loading, and new processing step b of the program instructions at the central website server prior to any interaction of the role of an attendee client (site visitor or user). Further, Applicant asserts that the <u>Seller participant</u> using "<u>Remote Authoring</u>" within the "<u>Seller Processes</u>" of the Conklin system for "<u>ordering</u> sample quantities" teaches away from "An improved general purpose <u>data-stream computer</u> <u>network transport system</u> and, in particular, an improved <u>desktop conferencing system</u>" (col 1, lines 49-51) of the Salesky patent (emphasis added). There is no "seller" or "seller participant" in terms of the "seller process" or "ordering sample quantities" processes found in the Salesky system.

CONCLUSION

The claimed invention solves many fundamental problems and introduces functions missing in early website work and patents, and is a significant contribution to the state of the art with respect to conducting or augmenting a convention, trade show or display
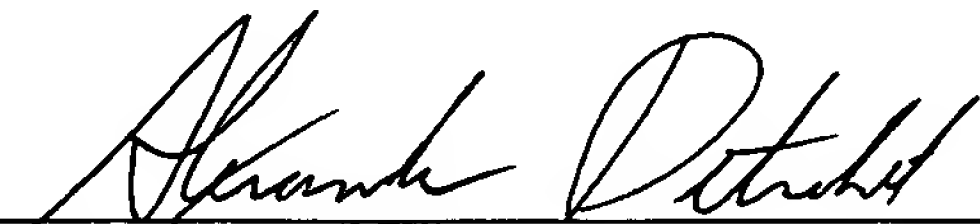
ad network on the Internet. For the foregoing amendments and reasons, none of independent claims 1, 39, 40, and 45 are anticipated by or rendered obvious over the prior art of record, either alone or in combination.

In particular, none of the prior art of record makes the distinction or discloses the claimed concept of the precise processing in terms of the initial processes at the central website server by the virtual convention venue website program instructions in terms of the differentiation of the navigational flow and use of content information; or, in terms of the initial processes at the central website server by the virtual convention venue website program instructions in terms of building, designing, loading or controlling an ad display – particularly as referenced herein above from Applicant's U.S. Provisional Application Ser. No. 60/114,128, filed December 30, 1998, and U.S. Provisional Application Ser. No. 60/114,396 filed December 31, 1998.

Accordingly, Applicant respectfully requests that the Examiner withdraw the obviousness rejections with respect to claims 1, 39 (and new corresponding system claim 45), and 40. Claims 2-38, 44, and 41 depend from and add further limitations to respective amended independent claims 1, 39, and 40 or a subsequent dependent claim and are believed to be patentable for the reasons discussed hereinabove in connection with amended independent claims 1, 39, and 40. Reconsideration of the rejections and allowance of all pending claims are respectfully requested. Notwithstanding Applicant's aforementioned arguments, because these underlying claimed aspects are not found in either the Salesky or Conklin patents, the overall obviousness rejection cannot stand.

Respectfully submitted,

THE WEBB LAW FIRM

By_____

Alexander Detschelt
Registration No. 50,261
Attorney for Applicant
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com